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OFFICE OF PETITIONS

In re Application of :
Vandlik et al. :
Application No. 10/828,440 : DECISION ON PETITION
Filed: 20 April, 2004 :
Attorney Docket No. F-5482 DIV :
2 (0360-0159. :

This is a decision on the renewed petition, filed on 27 March, 2006, which is treated as a petition under 37 CFR 1.10, requesting that the above-identified application be accorded a filing date of 20 April, 2004, rather than the presently-accorded filing date of 17 April, 2004.

The petition is granted.

Petitioners again aver that the application was deposited in Express Mail service on 20 April, 2004. In support, on 27 March, 2006, petitioners supplied a copy of USPS Internet Track & Confirm report for Express Mail Label No. EV318693209US (the same Express Mail number found on the itemized application cover sheet accompanying the original application papers located in the official file). Although the Express Mail label bears a "date-in" of "4-17-04", a review of the USPS Track and Confirm Internet database shows that this Express Mail item was accepted by the USPS on 20 April, 2004.

In view of the above, the correct date of deposit in Express Mail is 20 April, 2004.

In view of the above, the petition is granted. No fee is required and none has been charged.

The address in the petition is different than the correspondence address of record. A copy of this decision is being mailed to the address in the petition. All future correspondence will be mailed solely to the address of record.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 20 April, 2004, and for issuance of a corrected Filing Receipt.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



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